

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

CW, et al.,	)	
	)	
Plaintiffs,	)	
v.	)	CASE NO. 3:10-cv-00087-PPS-CAN
	)	
TEXTRON, INC.,	)	
	)	
Defendant.	)	

**DEFENDANT'S MOTION IN LIMINE TO EXCLUDE THE REPORT AND  
TESTIMONY OF PLAINTIFFS' EXPERT WITNESS, DR. JILL E. RYER-POWDER**

Defendant Textron, Inc. hereby moves *in limine* to exclude from evidence the expert report of plaintiffs' witness, Dr. Jill E. Ryer-Powder, dated August 17, 2011, and to bar all testimony at trial by Dr. Ryer-Powder. Dr. Ryer-Powder was retained by plaintiffs to opine on the general causation of their alleged past and future medical problems. She concludes in her report that plaintiffs' exposure to vinyl chloride in their well water was at levels sufficient to cause those problems.

Dr. Ryer-Powder's opinions do not satisfy the criteria for admissibility under Rule 702 of the Federal Rules of Evidence and the Supreme Court's decision in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). In particular, the methodology underlying Dr. Ryer-Powder's opinions is not scientifically valid, and a number of other courts have excluded expert opinions that are founded on similar methodology. Accordingly, as explained more fully in Textron's concurrently filed brief, plaintiffs should not be permitted to present any evidence pertaining to those opinions.

Respectfully submitted,

/s/ Frank J. Deveau

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 1, 2012, a copy of the foregoing was filed electronically. Notice of this filing will be sent to the following counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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